

COUNTY OF YORK

MEMORANDUM

DATE: May 29, 2002 (BOS Mtg. 6/4/02)
TO: York County Board of Supervisors
FROM: James O. McReynolds, County Administrator
SUBJECT: Application No. UP-597-02, John E. Wray III Trust

ISSUE

This application seeks a Special Use Permit, pursuant to Section 24.1-306 (category 2, number 10) of the York County Zoning Ordinance, to authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road (Route 603) approximately 3,300 feet south of its intersection with Airport Road (Route 645). The parcels are further identified as Assessor's Parcel No. 5-44, 5-45, and 5-46.

DESCRIPTION

?? Property Owner: John E. Wray III Trust

?? Location: 5000, 5102, and 5130 Mooretown Road (Route 603)

?? Area: 30.1 acres

?? Frontage: Approximately 1,270 feet on Mooretown Road (Route 603)

?? Utilities: Public utilities not available

?? Topography: Moderate and severe slopes

?? 2015 Land Use Map Designation: Limited Business

?? Zoning Classification: LB – Limited Business

?? Existing Development: Dilapidated metal building

?? Surrounding Development:

North: None

East: Waller Mill Reservoir

South: None

West: Mooretown Road and CSX railroad tracks; commercial uses along Richmond Road beyond

?? Proposed Development: Clear-cut harvest of all merchantable timber

CONSIDERATIONS/CONCLUSIONS

1. The subject property is located on the east side of Mooretown Road (Route 603) across from the CSX railroad tracks and the Williamsburg city line. On the west side of the CSX tracks are several businesses – some in York County and some in Williamsburg – located on Richmond Road (Route 60). The subject parcels are zoned LB (Limited Business) and are designated for Limited Business development in the Comprehensive Plan.
2. Apart from a small cleared area along Mooretown Road and a 200-foot power easement that crosses the property, the three subject parcels are almost entirely wooded, consisting of mature upland hardwood consisting of southern red oak, yellow poplar, sweetgum, white oak, and other miscellaneous hardwoods. There is also an old, dilapidated metal building located on the property. The applicant proposes to clear-cut the property, removing and selling all merchantable timber and then market the property for commercial development.
3. The applicant has submitted a forest management plan in accordance with Section 24.1-419(b) of the Zoning Ordinance. Certain revisions will need to be made to the plan before the forestry operation can proceed. These are discussed below:
 - ?? **Water Quality.** The forest management plan states that water quality will not be affected by the proposed timber harvest since no perennial or intermittent streams are located in the area to be harvested. However, this assertion fails to recognize that the subject parcels abut watershed property owned by the City of Williamsburg and are within the Watershed Management and Protection Area (WMP) overlay district. Pursuant to Section 24.1-376(e)(1) of the Zoning Ordinance, the applicant will be required to submit an impact study that addresses runoff control and the protection of the Waller Mill Reservoir. Specifically, the study must show how the reduction in tree canopy and the disturbance to the under story will not cause either the rate or the quality of the runoff to exceed pre-development (i.e., pre-logging) levels. It must also describe the erosion and sediment control measures to be utilized and the containment methods that will be employed to prevent fuel and oil spills during the logging operations.
 - ?? **Cultural and Historic Resources.** The applicant's forest management plan states that no cultural or historic resources are known to be located on the subject property. According to Resource Protection Planning Revisited: James City County, York County, and City of Williamsburg, prepared by the Colonial Williamsburg Foundation's Department of Archaeological Research, an archeological site is indeed located on the northernmost of the three subject parcels. In accordance with the provisions of the Historic Resources Management (HRM) overlay district (Section 24.1-374 of the Zoning Ordinance), the property owner will be required to have a Phase 1 archaeological study prepared before the parcel is developed. For now, the forest management plan will have to be amended to indicate the location of

this site, and I recommend that no clearing be permitted in this area of the site until a Phase I study has been completed. The results of the Phase I study will determine whether or not more detailed Phase II or Phase III studies are needed. The HRM provisions require that the recommendations of such studies "be incorporated into the plan of development and any clearing, grading, or construction activities." Therefore, I believe it would be premature to allow clearing in the area of this archeological site in the absence of a Phase I study.

?? **Environmentally Sensitive Features.** Steep slopes are present along the eastern and southern boundaries of the property. In accordance with Section 24.1-419(c)(1) of the Zoning Ordinance, the location of these slopes will need to be shown on the forest management plan.

4. The plan shows that a 50-foot buffer will be retained along Mooretown Road and 25-foot buffers along the side and rear property lines. The minimum transitional buffer requirement between the LB and RC zoning districts is 25 feet; therefore, no additional buffer is recommended. The log landing should be located outside of the 50-foot Mooretown Road buffer rather than 40 feet as stated in the forest management plan. (A log landing, sometimes called a "deck," is a place where logs are gathered in or near the forest for further transport.)
5. Since the property owner plans to market the property for commercial development once the forestry operation has been completed, no reforestation is planned. Consequently, an Erosion and Sediment Control plan must be submitted to and approved by the County prior to the commencement of any soil disturbing activity.
6. For previous applications of this type, the Virginia Department of Forestry has suggested that the buffer areas required by the Zoning Ordinance be clearly painted rather than marked with the more common "flagging" technique. This method would give the harvesters a precise definition of this sensitive buffer area and would help avoid the confusion associated with lost or missing flags. I concur with this recommendation and considers this the best method to protect the environmentally sensitive areas of the property.
7. Since the subject property is within one half mile of both the City of Williamsburg and James City County, staff notified both localities of this application in accordance with Section 15.2-2204 of the Code of Virginia. As of the writing of this memorandum, no comments had been received from Williamsburg, and James City County recommended a 75-foot buffer along Mooretown Road, in accordance with its requirements. As noted earlier, I see no reason to require the applicant to go above and beyond the buffer requirements set forth in the Zoning Ordinance.
8. Past experience with timber harvesting operations in the County dictates the inclusion of a condition requiring that the site be cleaned up once the forestry

operation has been completed. It is important, particularly along a major economic growth corridor such as Mooretown Road, that the property is left in a condition that preserves, to the extent possible, the aesthetic quality of the corridor. This means that all harvested timber should be removed, as well as logs, tree branches, limbs, dead and damaged trees, and associated debris. This is important not just for the County and nearby property owners but for the applicants as well, since they plan to market the property for commercial development after it has been cleared.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its May 8 meeting and, subsequent to conducting a public hearing at which two Williamsburg residents spoke in opposition to the application, voted 5:0 (Messrs. Heavner and Simasek absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

Mooretown Road is a major economic growth corridor for York County. The County has made significant investments in infrastructure to make this area attractive for economic development. If this application is approved, the applicant plans not to reforest once the timber has been harvested, thus allowing the property to be developed for commercial use, consistent with the County's long-range vision for this area. The buffers that will be left behind will be at least as extensive as if the site were being prepared for commercial development, and perhaps more so, for two reasons. Transitional buffers are not required adjacent to reservoir property, and the existing vegetation is denser than the planting ratios in the Zoning Ordinance provide for. The proposed conditions will ensure that the forestry operation will be conducted in an environmentally responsible manner that will prevent negative impacts on the Waller Mill Reservoir. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R02-115.

Carter/3337

Attachments

?? Excerpt of unapproved Planning Commission minutes, 5/8/02

?? Zoning Map

?? Archaeological Site Location Map

?? Forest Management Plan

?? Proposed Resolution No. R02-115